

In re Patent Application of
Daniel Deutsch
Serial No. 10/759,542
Filed January 16, 2004

Remarks

Applicants appreciate the Examiner's careful review of the application and hereby respond to the outstanding Office action.

The Claims Recite A Novel Invention In View Of The Cited References

Independent claim 1 stands rejected as anticipated by the reference to Hsueh (US Patent No. 6,334,692) but has now been amended to recite specific features not described by this reference. In particular, the Hsueh reference does not describe a housing containing a fluorescent material. In addition, new independent claim 19 also recites a light having a housing containing a fluorescent material. Accordingly, the cited reference does not anticipate the inventions recited in these independent claims. Therefore, Applicants respectfully request that the Examiner withdraw the rejection under Section 102.

The Claims Recite A Nonobvious Invention In View Of The Cited References

The Examiner has cited the Hsueh patent in combination with the reference by Hanson et al. (US Application Pub. 2003/0095401) as rendering independent claim 1 unpatentable as obvious under 35 USC 103(a). Applicants respectfully disagree for the following reasons.

Hanson et al. describe an electronic display having front and back lights and a fluorescent or phosphorescent reflective layer to provide illumination in the display. See paragraph 001. Applicants assert that the reference by Hanson et al. is non-analogous art to the present application and, as such, is not properly to be relied on in an obviousness rejection.

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Analogous art must be either in the field of technology of the claimed invention, or must deal with the same problem solved by the claimed invention. The determination that a reference is from a nonanalogous art is therefore twofold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved. *In re Wood*, 599 F.2d 1032, 202 USPQ 171 (CCPA 1979).

Clearly, the reference by Hanson et al. is not in the same art or field of technology as that described by Applicants, as the present application discloses a light wearable by a user or connectable to a selected article. In both instances an object of the present invention is to increase the visibility of whatever the light is connected to, either the user him/herself or the article. Hanson et al., however, teach an electronic display screen and are clearly not addressing the same problems as the present application does.

For those reasons, Applicants asserts that the Hanson et al. reference constitutes non-analogous art to the present application and that it is improper to combine said reference with another in an obviousness rejection. Applicants, thus, respectfully request that the Examiner withdraw the obviousness rejection of claim 1. For the same reasons, new independent claim 19 should be nonobvious over the cited references.

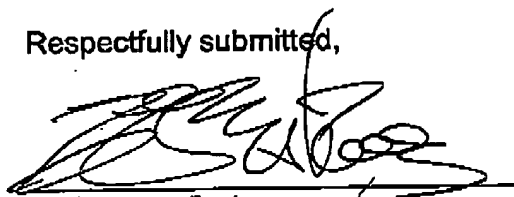
Conclusion

Applicants have provided support for their assertion that the pending claims are novel and nonobvious over the cited references. Accordingly, Applicants suggest that the claims are allowable and that the application is in condition for allowance. Applicants respectfully request such action from the Examiner.

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If the further prosecution can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned at his convenience.


Respectfully submitted,



Enrique G. Estévez
Reg. No. 37,823
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
255 S. Orange Ave., Suite 1401
P. O. Box 3791
Orlando, Florida 32802
(407) 841-2330

CERTIFICATION OF FILING VIA FAX

I hereby that certify that this correspondence is being filed with the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 via facsimile to its centralized facsimile number at (703) 872-9306 this 2nd day of February, 2005


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